

**UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA**

CAPITOL RECORDS, INC., et al.,

Plaintiffs,

v.

ORDER

Civil File No. 06-1497 (MJD/LIB)

JAMIE THOMAS-RASSET,

Defendant.

Andrew B. Mohraz, David A. Tonini, and Timothy M. Reynolds, Holme Roberts & Owen, LLP; Felicia J. Boyd, Barnes & Thornburg, LLP; and Matthew J. Oppenheim, Oppenheim Group, LLP; counsel for Plaintiffs.

Joe Sibley and K. A. D. Camara, Camara & Sibley, LLP, and Brant D. Penney and Garrett D. Blanchfield, Jr., Reinhardt Wendorf & Blanchfield, counsel for Defendant.

Adam D. Kirschner, United States Department of Justice, and Gregory G. Brooker, Assistant United States Attorney, for Intervenor United States of America.

This matter is before the Court on Defendant's Motion to Reconsider Remittitur Order. [Docket No. 405] Defendant requests that this Court reconsider its January 22, 2010 Order ordering remittitur and declining to reach

the issue of the constitutionality of the original damages award. [Docket No. 366]

The district court's decision on a motion for reconsideration rests within its discretion. Hagerman v. Yukon Energy Corp., 839 F.2d 407, 413 (8th Cir. 1988).

Motions for reconsideration serve a limited function: to correct manifest errors of law or fact or to present newly discovered evidence. . . . Nor should a motion for reconsideration serve as the occasion to tender new legal theories for the first time.

Id. at 414 (citation omitted).

The Court has thoroughly reviewed the parties' submissions and its January 22 Order and concludes that the January 22 Order contains no manifest errors of law or fact.

Accordingly, based upon the files, records, and proceedings herein, **IT IS**

HEREBY ORDERED:

Defendant's Motion to Reconsider Remittitur Order [Docket No. 405] is **DENIED**.

Dated: October 22, 2010

s/ Michael J. Davis

Michael J. Davis

Chief Judge

United States District Court